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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,498	03/23/2000	Kevin Wayne Kirkeby	ROC990251US1	1318

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/02/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/533,498

Applicant(s)

KIRKEBY, KEVIN WAYNE

Examiner

Khanh Dinh

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 14 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the amendment filed on 3/20/2003 (paper #6). Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5-13, 15-23 and 25-30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Szurkowski US pat. No.6,417,933.

As to claim 1, Szurkowski discloses a method for processing a message in a network computing system including a facsimile transmission comprised of a recipient contact address and message content (see fig.2), wherein the message content includes at least one of message text and attached files, comprising:

managing the facsimile transmission as a fax job in a first computing system (components 101-1, 101-2, 102-1, which are connected to the teleconference server 103 fig. 1), transferring the message content to a second computing system (103 fig.1) and launching, with the second computing system, at least one application (i.e., using Administrative server 110 fig. 1, see abstract, fig. 1, co1.2 line 66 to col.4 line 19).

programming to convert the message content to at least one image in a file format and transferring, with the second computing system, the converted message content in the file format to the first computing system (see fig.2, col.4 lines 21-55) transferring, with the first computing system, the message content in the file format to a communication port for transmittal to the recipient contact address (see co1.4 line 56 to co1.6 line 53 and co1.8 lines 9-65).

As to claim 2, Szurkowski discloses transferring, with the first computing system, a job number assigned to the fax job to the second computing system; and requesting, with the second computing system, the message content for the job number, wherein the first computing system transfers the message content in response to receiving the request from the second computing system (see co1.5 line 16 to co1.7 line 52).

As to claim 3, Szurkowski discloses fax job records identified by job number and changing, with first computing system, state fields in the fax job records to manage the workflow of the fax jobs between the first computing system, second computing systems, and communication port (see fig.2, co1.4 line 5 to co1.5 line 63).

As to claim 5, Szurkowski discloses an image file format, and wherein the message content is converted to one or more images in the file format (see fig.2, col.4 line 5 to col.5 line 63 and co1.8 lines 9-65).

As to claim 6, Szurkowski discloses determining one of multiple application programs capable of opening the attachment file and using the determined application program to convert the content of the attachment file to one or more images in the file format, wherein all the images in the file format comprising the at least one converted attachment file are transferred to the first computing system (see fig.2, co1.4 line 5 to co1.5 line 63 and co1.8 lines 9-65).

As to claim 7, Szurkowski discloses converting, with the second computing system, the message text to at least one image in the file format, wherein the images comprising the converted attachment files are arranged in a file in the file format according to an order in which they were attached to the message and follow one image comprising the converted message text (see figs. 1, 2, col.4 line 5 to co1.5 line 63 and co1.7 line 7 to co1.8 line 65).

As to claim 8, Szurkowski discloses maintaining, with the second computing system, multiple application programs open to concurrently convert the content of different attachment files to images in the file format (see figs. 1, 2, co1.4 line 5 to co1.5 line 63 and co1.7 line 7 to co1.8 line 65).

As to claim 9, Szurkowski discloses that the different attachment files concurrently converted to images in the file format are part of different fax jobs (see figs. 1, 2, co1.4 line 5 to col.5 line 63 and co1.7 line 7 to co1.8 line 65).

As to claim 9, Szurkowski discloses one application program to concurrently convert the content of a different attachment files associated with the application program to images in the file format (see figs. 1, 2, col.4 line 5 to col.5 line 63 and co1.7 line 7 to co1.8 line 65).

As to claim 11, Szurkowski discloses:

(a) a first computing system comprising a first processor (103 fig. 1) and a first memory (132 fig. 1) coupled to the first processor (103 fig.1).

(b) a second computing system (110 fig. 1) comprising a second processor and a second memory (156 fig. 1) coupled to the second processor and a communication port in communication with the first computing system (see fig. 1, see abstract, col.2 line 66 to col.4 line 19).

(c) first program logic residing in the first memory, wherein the first program logic, when read and executed by the first processor performs (see col.2 line 66 to co1.4 line 19) for managing the facsimile transmission as a fax job, transferring the message content to a second computing system and transferring the message content received from the second computing system to a communication port for transmittal to the recipient contact address (see fig.2, co1.4 lines 21-55).

(d) second program logic residing in the second memory, wherein the second program logic, when read and executed by the second processor performing of launching at least one application program to convert the message content to at least one image in a file format and transferring the converted message content in the file format to the first computing system (see co1.4 line 56 to col.6 line 53 and co1.8 lines 9-65).

Claims 12, 13, 15-20 are rejected for the same reasons set forth in claims 2, 3, 5-10 respectively.

Claim 21 is rejected for the same reasons set forth in claim 1. As to the added limitation, Szurkowski further discloses transferring the message content received from the second computer to a communication port for transmittal to the recipient contact address (see fig.2, col.4 line 5 to col.6 line 33 and col.7 lines 8-52).

Claims 22, 23, 25-30 are rejected for the same reasons set forth in claims 2, 3, 5-10 respectively.

Response to Arguments

4. Applicant's arguments filed on 3/20/2003 (paper #6) have been fully considered but they are not persuasive.

* Applicant asserts that the first and the second computer system are not separate computer systems.

Examiner respectfully disagrees. Szurkowski discloses telephone equipment (101-1, 101-2, 102-1, 102-2 of fig.1) components which are connected to the teleconference server (103 fig.1) as rejected above.

* Applicant asserts that Szurkowski does not disclose a job number assigned to the fax job to the second computing system.

Examiner points out that Szurkowski discloses using a facsimile submission number associated with each attendee in the conference to manage the (see col.5 lines 3-63).

* *Claims 2-3, 5-10, 12, 13, 15-20, 22, 23 and 25-30 are dependent on claims 1, 11, 21, respectively. Therefore, they are rejected at least for the same reasons set forth above to claims 1,*

29, and 54 or for other reasons set forth in the previous office action filed on December 11, 2002 [see Paper No. 5]. With all above given reasons, the rejections for claims 1-3, 5-13, 15-23 and 25-30 are respectfully maintained.

Conclusion

5. Claims 1-3, 5-13, 15-23 and 25-30 are rejected.
6. Claims 4, 14 and 24 are allowed.
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone numbers for this group are:

After Final: (703) 746-7238


Art Unit: 2155

Official: (703) 746-7239

Non-Official/ Draft: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2155
05/26/2003


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